THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 10889 of 2007

Dated: 29.10.2007

Between:

Smt. Ramakka Shantha

… Petitioner

AND

The Special Deputy collector, L.A. Unit,
Sripada Sagar Project, Yellampally at
Ramagundam, Karimnagar District
& others.

… Respondents

Counsel for the petitioner : Sri A. Ravinder

Counsel for respondent No.1 : Assistant Government Pleader for
Land Acquisition

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 10889 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to direct respondent No.1 to refer the matter to civil Court under Section 30 of the Land Acquisition Act, 1894 (for short, 'the Act') in respect of a dispute pertaining to payment of compensation relating to the extent of Ac.17.05 guntas in Sy.No.115 of Potyala Village, Ramagundam Mandal, Karimnagar District.

Heard Sri A. Ravinder, learned counsel for the petitioner and the learned Assistant Government Pleader for Land Acquisition for respondent No.1.

The grievance of the petitioner is that though he filed an application before respondent No.1 seeking reference of the dispute under Sections 30 and 31 of the Act, he had not referred the said dispute, and therefore, the present writ petition is filed.

In the counter-affidavit filed by Sri A. Ailaiah, Special Deputy Collector, Land Acquisition, it is mentioned that an award was already passed on 07.07.2007 and having been satisfied that seven persons, whose names were shown in paragraph 3 of the counter-affidavit, were entitled to receive the compensation in respect of an extent of Ac.12.27 guntas of land, amount of compensation was paid to them.

Learned Assistant Government Pleader for Land Acquisition

submitted that when once the 1st respondent exercised his power under Section 30 of the Act and decided the dispute relating to the persons entitling to receive compensation, the only remedy available to the petitioner is to file an application under Section 18 of the Act for reference of the dispute to the civil Court.

Learned counsel for the petitioner submitted that having come to know about the passing of the award, the petitioner already made an application under Section 18 of the Act to respondent No.1 and that respondent No.1 may be directed to consider and take a decision on his application.

With the passing of the award and payment of the compensation by respondent No.1 to respondent No.3 and others, the prayer in the writ petition has become infructuous.

However, in view of the contention raised by the learned counsel for the petitioner that the petitioner has already made an application under Section 18 of the Act, respondent No.1 shall verify and dispose of the same in accordance with law.

Subject to the above observation, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP.No.13645 of 2007 filed by the petitioner for interim relief is also dismissed.

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C.V. NAGARJUNA REDDY, J

Date: 29.10.2007
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